

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by  
5 changing Section 4.1 as follows:

6 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

7 Sec. 4.1. Criminal background investigations.

8 (a) In this Section, "third-party vendor" means a  
9 third-party fingerprinting vendor who is licensed by the  
10 Department of Financial and Professional Regulation and  
11 regulated by 68 Ill. Adm. Code 1240.600.

12 (b) The Department shall require that each child care  
13 facility license applicant as part of the application process,  
14 and each employee and volunteer of a child care facility or  
15 non-licensed service provider, as a condition of employment,  
16 authorize an investigation to determine if such applicant,  
17 employee, or volunteer has ever been charged with a crime and  
18 if so, the disposition of those charges; this authorization  
19 shall indicate the scope of the inquiry and the agencies which  
20 may be contacted. A child care facility, non-licensed service  
21 provider, day care center, group day care home, or day care  
22 home may authorize the Department or a third-party vendor to  
23 collect fingerprints for the investigation. Upon this

1 authorization, the Director shall request and receive  
2 information and assistance from any federal, State, or local  
3 governmental agency as part of the authorized investigation.  
4 Each applicant, employee, or volunteer of a child care  
5 facility or non-licensed service provider shall submit the  
6 applicant's, employee's, or volunteer's fingerprints to the  
7 Illinois State Police in the form and manner prescribed by the  
8 Illinois State Police. These fingerprints shall be checked  
9 against the fingerprint records now and hereafter filed in the  
10 Illinois State Police and Federal Bureau of Investigation  
11 criminal history records databases. The Illinois State Police  
12 shall charge a fee for conducting the criminal history records  
13 check, which shall be deposited in the State Police Services  
14 Fund and shall not exceed the actual cost of the records check.  
15 The Illinois State Police shall provide information concerning  
16 any criminal charges, and their disposition, now or hereafter  
17 filed, against an applicant, employee, or volunteer of a child  
18 care facility or non-licensed service provider upon request of  
19 the Department of Children and Family Services when the  
20 request is made in the form and manner required by the Illinois  
21 State Police.

22 Information concerning convictions of a license applicant,  
23 employee, or volunteer of a child care facility or  
24 non-licensed service provider investigated under this Section,  
25 including the source of the information and any conclusions or  
26 recommendations derived from the information, shall be

1 provided, upon request, to such applicant, employee, or  
2 volunteer of a child care facility or non-licensed service  
3 provider prior to final action by the Department on the  
4 application. State conviction information provided by the  
5 Illinois State Police regarding employees, prospective  
6 employees, or volunteers of non-licensed service providers and  
7 child care facilities licensed under this Act shall be  
8 provided to the operator of such facility, and, upon request,  
9 to the employee, prospective employee, or volunteer of a child  
10 care facility or non-licensed service provider. Any  
11 information concerning criminal charges and the disposition of  
12 such charges obtained by the Department shall be confidential  
13 and may not be transmitted outside the Department, except as  
14 required herein, and may not be transmitted to anyone within  
15 the Department except as needed for the purpose of evaluating  
16 an application or an employee or volunteer of a child care  
17 facility or non-licensed service provider. Only information  
18 and standards which bear a reasonable and rational relation to  
19 the performance of a child care facility shall be used by the  
20 Department or any licensee. Any employee of the Department of  
21 Children and Family Services, Illinois State Police, or a  
22 child care facility receiving confidential information under  
23 this Section who gives or causes to be given any confidential  
24 information concerning any criminal convictions of an  
25 applicant, employee, or volunteer of a child care facility or  
26 non-licensed service provider, shall be guilty of a Class A

1 misdemeanor unless release of such information is authorized  
2 by this Section.

3 A child care facility may hire, on a probationary basis,  
4 any employee or volunteer of a child care facility or  
5 non-licensed service provider authorizing a criminal  
6 background investigation under this Section, pending the  
7 result of such investigation. Employees and volunteers of a  
8 child care facility or non-licensed service provider shall be  
9 notified prior to hiring that such employment may be  
10 terminated on the basis of criminal background information  
11 obtained by the facility.

12 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)